

## § 361.2

Onion—*Allium cepa* L.  
Onion, Welsh—*Allium fistulosum* L.  
Pak-choi—*Brassica rapa* L. subsp. *chinensis* (L.) Hanelt  
Parsley—*Petroselinum crispum* (Mill.) A.W. Hill  
Parsnip—*Pastinaca sativa* L.  
Pea—*Pisum sativum* L.  
Pepper—*Capsicum* spp.  
Pe-tsai—(see Chinese cabbage).  
Pumpkin—*Cucurbita pepo* L., *C. moschata* (Duchesne) Poiret, and *C. maxima* Duchesne  
Radish—*Raphanus sativus* L.  
Rhubarb—*Rheum rhabarbarum* L.  
Rutabaga—*Brassica napus* L. var. *napobrassica* (L.) Reichb.  
Sage—*Salvia officinalis* L.  
Salsify—*Tragopogon porrifolius* L.  
Savory, summer—*Satureja hortensis* L.  
Sorrel—*Rumex acetosa* L.  
Southernpea—(see Cowpea).  
Soybean—*Glycine max* (L.) Merr.  
Spinach—*Spinacia oleracea* L.  
Spinach, New Zealand—*Tetragonia tetragonioides* (Pall.) Ktze.  
Squash—*Cucurbita pepo* L., *C. moschata* (Duchesne) Poiret, and *C. maxima* Duchesne  
Tomato—*Lycopersicon esculentum* Mill.  
Tomato, husk—*Physalis pubescens* L.  
Turnip—*Brassica rapa* L. subsp. *rapa*  
Watermelon—*Citrullus lanatus* (Thunb.) Matsum. and Nakai var. *lanatus*

### § 361.2 Preemption of State and local laws; general restrictions on the importation of seed and screenings.

(a) The regulations in this part preempt State and local laws regarding seed and screenings imported into the United States while the seed and screenings are in foreign commerce. Seed and screenings imported for immediate distribution and sale to the consuming public remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be considered on a case-by-case basis.

(b) No person shall import any agricultural seed, vegetable seed, or screenings into the United States unless the importation is in compliance with this part.

(c) Any agricultural seed, vegetable seed, or screenings imported into the United States not in compliance with this part shall be subject to exportation, destruction, disposal, or any remedial measures that the Administrator determines are necessary to prevent the dissemination into the United States of noxious weeds.

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(d) Except as provided in § 361.7(b), coated or pelleted seed may enter the United States only if each lot of seed is accompanied by an officially drawn and sealed sample of seed drawn from the lot before the seed was coated or pelleted. The sample must be drawn in a manner consistent with that described in § 361.5 of this part.

(e) Except as provided in §§ 361.4(a)(3) and 361.7(c), screenings of all agricultural seed and vegetable seed are prohibited entry into the United States.

[62 FR 48460, Sept. 16, 1997, as amended at 74 FR 53400, Oct. 19, 2009]

### § 361.3 Declarations and labeling.

(a) All lots of agricultural seed, vegetable seed, and screenings imported into the United States must be accompanied by a declaration from the importer of the seed or screenings. The declaration must state the kind, variety, and origin of each lot of seed or screenings and the use for which the seed or screenings are being imported.

(b) Each container of agricultural seed and vegetable seed imported into the United States for seeding (planting) purposes must be labeled to indicate the identification code or designation for the lot of seed; the name of each kind or kind and variety of agricultural seed or the name of each kind and variety of vegetable seed present in the lot in excess of 5 percent of the whole; and the designation “hybrid” when the lot contains hybrid seed. Kind and variety names used on the label shall conform to the kind and variety names used in the definitions of “agricultural seed” and “vegetable seed” in § 361.1. If any seed in the lot has been treated, each container must be further labeled, in type no smaller than 8 point, as follows:

(1) The label must indicate that the seed has been treated and provide the name of the substance or process used to treat the seed. Substance names used on the label shall be the commonly accepted coined, chemical (generic), or abbreviated chemical name.

(i) Commonly accepted coined names are commonly recognized as names of particular substances, e.g., thiram, captan, lindane, and dichlone.

(ii) Examples of commonly accepted chemical (generic) names are blue-